



Community Television Review

National Federation of Local Cable Programmers

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1st Amendment Law: Current Status of Cable Litigation

by Mike Palumbo

The Cable Act of 1984, 47 U.S.C. Sections 521-559, ("Cable Act"), confirmed and expanded the authority of local government service to regulate cable service. Since then, cable operators have been challenging this authority, often claiming it infringes on their first amendment right to freedom of speech. To date, the courts have reached conflicting conclusions as to the consequences of these First Amendment arguments for local regulatory authorities. In all probability these issues will eventually be resolved by the Supreme Court. This article will discuss in brief some of the First Amendment challenges now in the courts.

Chicago Cable Communications, et al. v. Chicago Cable Commission, et. al., 678 F. Supp. 734 (N.D. Ill. 1988), on appeal, No. 88-1195, (7th Cir. 1988): Several cable operators challenged the authority of the Chicago Cable Commission to enforce penalties for non-compliance by the operators with franchise commitments to produce locally-originated programming. The cable operators were in violation of a requirement that local origination programming must be produced within the city limits of Chicago. In the trial court the Commission prevailed against the cable operator's claim that the franchise requirement was unconstitutional content-based regulation and the court upheld the penalties. The court said that the Commission's action was not aimed at regulating of programming, and hence found the requirement of local production permissible. In addition, the important qualities embod-

ied in the term "localism" (community pride, cultural diversity, etc.) justify a requirement that cable programming be provided specifically concerning the locality and directed at the locality's residents. The company appealed to the Seventh Circuit Court of Appeals, and the appeal is pending.

Erie Telecommunications, Inc. v. City of Erie, 659 F. Supp. 580 (W.D. Pa. 1987), on appeal, No. 87-3648, (3d Cir., Jan. 1988): In *Erie*, a cable operator challenged the constitutionality of franchise fees and access requirements. The court held that there was no evidence that the city's imposition of a franchise fee was intended to suppress speech, and that the franchise fee was justified by the city's right to charge a fee for the use of

public-rights-of-way. The court also found that access requirements were meant to further secure the foundations of the First Amendment by promoting a marketplace of ideas. The case is on appeal. **Group W Cable, Inc. v. City of Santa Cruz**, 669 F. Supp. 954 (N.D. Cal. 1987): When Group W's franchise to provide cable service expired in 1985, the city solicited applicants for a new franchise term. The city established minimum criteria for applicants including access channels, institutional network capacity, and other technical requirements. The City denied Group W the renewal and chose another operator. Group W sought and received a preliminary injunction allowing them to continue offering service

continued on pg. 6, "Cable Law"

Nader Rallies First Amendment Troups

by Diana Peck

In his keynote address to the Telecommunications and the First Amendment Conference held in Washington, D.C. on April 10-12, Ralph Nader, the country's best known consumer advocate, called on the American public to get as passionate and informed about telecommunications issues as it has become about environmental and health issues. "People have become passionate about fighting industries that threaten their environment; they have become passionate about demanding safer products from the pharmaceutical and food industries," said Nader. "I am looking for very deep passion against the one industry which closes the door to human enlightenment. We must understand that information is the currency of democracy. The Broadcast industry stands at the crossroads of democracy by determining what kind of information and viewpoints the public gains access to," Nader concluded.

Nader's speech emphasized the agenda of the conference, sponsored by the NFLCP, the Telecommunications Consumer Coalition, the Communication Commission, and the National Council of Churches, which was to prepare telecommunications activists to bring their message to Washington policymakers.

With knowledgeable and distinguished panelists speaking about topics such as the Fairness Doctrine, cable access, and broadcast license renewal, attendees learned about some of the ways the public's First Amendment rights were being dismissed in today's deregulatory environment.

Following the conference, many participants visited Congress and the FCC. With shared goals, the sponsors of the conference reestablished a strong and active telecommunications public interest coalition.

The Community Videot: a resource of technical tips

by Dave Bloch

There's never enough light, and most small access operations never have enough light kits to go around. In this episode, the VIDEOT will show you how to make your own sturdy, portable, 300-watt broadlights for about \$25 each!

The project is built around a home security lighting fixture, which you can buy at any home improvement store (and many discount stores) for about \$10. These units come complete with a 300-watt lamp rated for at least 1,000 hours of life. The fixture puts out a wide, even pattern of light which is excellent for increasing the general illumination of any location.

As a bonus, the fixture is weather-proof and (because the lamp is covered by a clear lens) fingerprint-proof. We have been using a pair of these in basic video production classes at Cosumnes River College in Sacramento for six months, and they do work great.

WHAT YOU'LL NEED

Besides the lighting fixture, you'll need a few other items to build your new broadlight:

**** Outdoor-type Switch Box** (This will be made of cast metal, not plastic or cut-and-bent sheet metal. Make sure it has two large threaded holes,

one on top and one in the back.)

**** Common Household Light Switch** (It must have screw-type terminals—push-in won't work.)

**** Common Household Switch Plate Heavy-Duty Power Cord** (I recommend buying a replacement vacuum cleaner cord—they are very flexible, magically resist tangling & kinking, and have ample power capacity.)

**** Strain Relief Clamp** (Buy the size that will screw into one of the threaded holes in your switch box.)

**** Spring-type Clamp.**

**** Small steel backing plate** (Should be in the brackets and hinges section of the hardware store. Mine is $\frac{1}{2}$ -inch by $1\frac{1}{2}$ inches, with two small holes drilled about an inch apart.)

**** Threaded Locking Ring** (The right size to thread onto the mounting foot of the lighting fixture.)

**** Screw, nut and lockwasher** (to attach the clamp to the box).

**** Wire nut**

ASSEMBLY

1. Screw the Locking Ring all the way onto the mounting foot of the fixture. The little teeth on the Ring should point away from the fixture.

2. Screw the hole in the top of the Box onto the mounting foot. Go as far as

you can, but back off if you must make the opening in the box face the back of the fixture.

3. With the tip of a screwdriver, rotate the Locking Ring down so it jams against the box. Tighten down hard.

4. Mount the Clamp to the opposite end of the box. You will have to drill a hole in the box the correct size for your screw; you might also have to drill one in the clamp if there is not one there already. Pass the Screw through one hole in the Backing Plate, then through the Clamp, then the Box, then the Lockwasher. Put on the Nut. Rotate the clamp until it faces the way you want, then tighten the screw all the way.

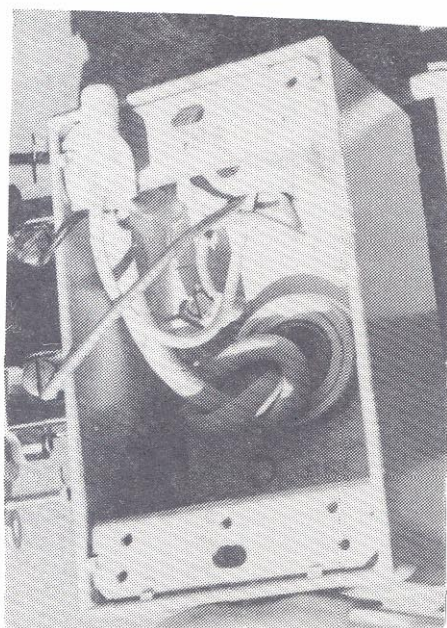
5. Screw the Strain Relief Clamp into the hole in the back of the box. Tighten it down hard.

6. Pass the Power Cord through the Strain Relief Clamp, until about three inches of wire are inside the box. Tighten the two screws on the clamp until it holds the cord securely.

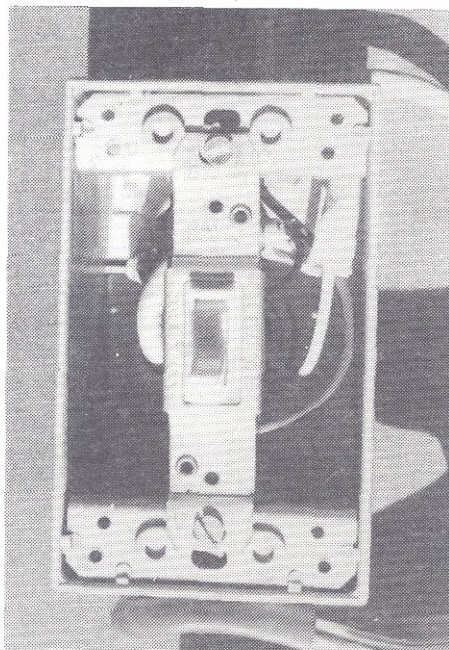
7. Clip off excess wire coming from the fixture, making each about three inches long. Strip about $\frac{1}{2}$ -inch of insulation from the ends of all the wires.

8. Attach the BLACK wire from the fixture to either terminal of the Light

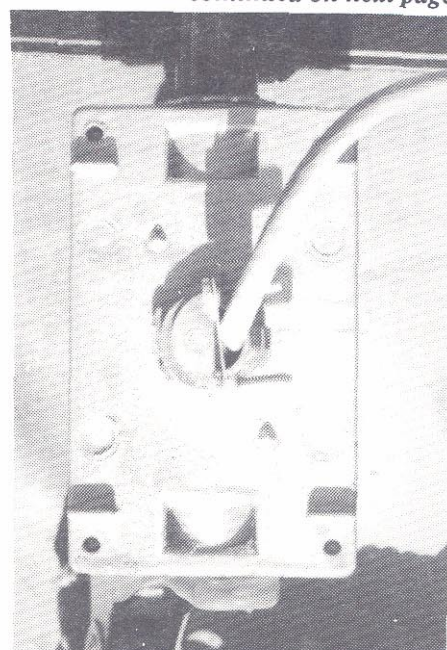
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Wiring inside the box: note the knot tied in the power cord for extra strain relief.



Box with switch installed.



Power cord exits through strain relief clamp.



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Switch. You should wrap the end of the wire around the screw **CLOCKWISE**, so that tightening the screw draws the wire more tightly around it.

9. Attach the **BLACK** wire from the power cord to the other screw of the Switch in the same manner.

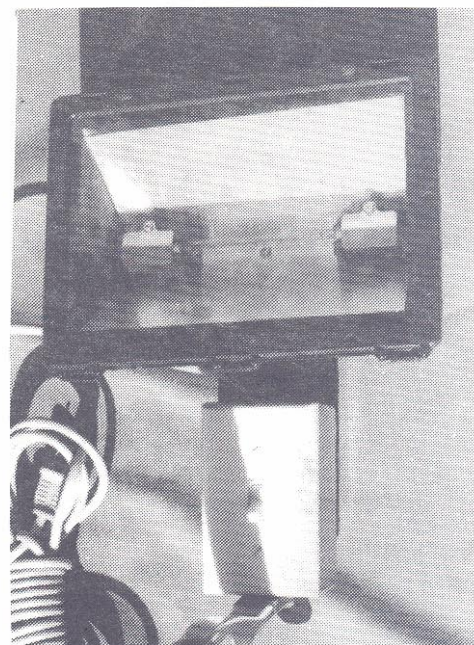
10. Twist together the ends of the two **WHITE** wires in the box. Screw the Wire Nut over them finger-tight. You should not be able to see any uninsulated wire coming out of the wire nut—if so, take off the nut, clip off a little wire, and put the nut back on again.

12. Carefully fit the switch in place in the box, tucking all the wires down behind and beside it. Insert the two switch mounting screws (they came attached to it) in the threaded holes in the box, and tighten them all the way down.

13. Put on the switch plate, using the two screws that came with it.

USE AND CARE

You use your new portable light by clamping it to a table, door, or any other available surface. Avoid rotating the fixture on its mounting foot (it could come loose or twist the wires too much); loosen the clamp and turn the whole unit instead. Instead of the clamp, it is possible



Completed unit.

to construct a stand for these lights. Use a Box that has a third threaded hole in the bottom, and use a piece of electrical conduit with a matching threaded end. I leave you to your own creativity to come up with a way to stand the whole thing up. Happy Lighting!

Dave Bloch is a local cable programming consultant based in Sacramento, California.

Promotion and outreach ideas

by Doug Allaire

(The following is an excerpt from the Promotion & Outreach Workshop held at the St. Paul regional conference. Reprinted from the Spring, 1988 newsletter of the NFLCP Midwest Region.)

This workshop covered ways of developing and maintaining community interest and involvement in access production and programming. A lot of tried and true methods were mentioned, including a speaker's bureau to meet with community organizations, press releases on programs and workshops, announcements included with cable service bills, using "local avail" spots on satellite services, flyers and posters on the access center and specific programs, newspaper program listings, use of bus posters and character generator messages.

There were a number of other interesting ideas. Some of the simpler ones were:

- * have informational & promotional brochures to hand out during public shoots
- * when an event is being shot, producers should announce cablecast day & time
- * promote specific programs in addition to the general possibilities of access
- * have occasional open houses, inviting key community people & producers
- * have program premieres at the access center
- * make phone calls to key individuals about specific programs
- * give feature story ideas to local news media
- * post a chart showing who's doing what in production
- * periodically re-contact groups and producers that have used the access center

Michael Meyerson to receive 1988 Stoney Award

by Diana Peck

When he was a second year law student doing an internship for the American Civil Liberties Union, Michael Meyerson read an article in Cablevision which changed his life. The article he was reading described why access was unconstitutional. "It made no sense to me," Meyerson recalls. "The Cablevision position—that the cable operator should have total control over the content of all the channels—was totally antithetical to what I believed about the First Amendment. The First Amendment should open avenues of expression, not close them. There needed to be a new way to look at cable television that protected everybody's First Amendment rights."

Now a professor at the University of Baltimore School of Law, Meyerson has spent the intervening years campaigning on behalf of the public's First Amendment rights. These efforts have earned him the respect of the NFLCP, which will award him its highest honor, the George Stoney Award, at the National Convention in Tampa on July 14. The Stoney Award is given to recognize contributions to humanistic communications.

Meyerson wrote what proved to be an influential article about access and the First Amendment, published in Volume IV of *Comm/Ent* (Communication/Entertainment) Law Journal. The article was cited in the first case upholding the constitutionality of public access requirements, *Berkshire Cablevision v. Burke*, in which the Rhode Island Public Utility Commission pursued the right to require access channels.

In the last five years, Meyerson has contributed thousands of hours of his time to helping the access community get the legal assistance he feels it so desperately needs. "What lawyers learn," he asserts, "is that the gospel of the First Amendment speech applies to ALL people, not selected speakers." A major contribution he feels he can make is to take this message to non-lawyers, educating them about the way the First Amendment should work. To this purpose, he has spoken at scores of conferences and offered his advice to uncounted municipalities and access organizations, helping them articulate the arguments they must make to defend

access. He also has spent time educating those same municipal officials and access groups about what they need to do to make sure they carry out those same principles of freedom of speech for everyone.

Meyerson feels there are several things access centers can do to encourage the public to exercise their rights to free speech. "First, he says, we need to open access centers to as many people as possible, reaching out to all areas of the community. Centers do their best work when they make sure that people throughout the community are putting on programs and that the community is aware of what programs are available."

Meyerson realizes that sometimes the access community needs to listen to its own message. "We need to understand that diversity of opinion means that sometimes there will be opinions we don't like. We cannot answer expression with censorship." He provides a remedy when access programmers are faced with speech they find loathsome, "The answer to bad speech is to counter it with good speech, not to silence it," he argues. "The only way groups like the Nazis and the Klan can win is if we permit them to wrap themselves in the First Amendment by trying to silence them. The worst tactic is to make them martyrs."

Meyerson is quick to add, however, "We do not have to be passive in the face of obnoxious speech. We can make the First Amendment work for us." He often cites what happened in Austin, Texas, where the access center promoted programming from minorities that would counter a series presented by the Klan. "The power of good speech, of brotherhood and understanding, can overwhelm the speech of extremists like the Klan."

A realist, Meyerson is aware that the access movement has its work cut out. "As long as people still are video illiterate and access must rely on the good graces of government for its survival, it will always be subject to challenge," he predicts. He adds, "Until the cable industry realizes that access has the potential of bringing in more subscribers, there will only be battle, mostly unnecessary battle."

He has faith in the future of access, "As a grass roots movement, its strength

comes from the community." He encourages municipal governments to do their share by enforcing the franchise. "The legal muscle of city hall needs to be used to protect the public interest."

Meyerson feels heartened by the 1984 Cable Communications Policy Act. "The Cable Act is a major victory for the access community because the Congress put its full weight in favor of public access & declared that access channels are legal. Courts are respectful of Congress in this area. The Congressional seal of approval will make the battle much easier."

Meyerson qualifies as a true veteran of public interest campaigns. He cannot remember a time when these issues weren't important to him. "I was born with an interest in civil liberties," he attests. A graduate of Hampshire College, he pursued his law studies at the University of Pennsylvania (where he and Joe Van Eaton were classmates but only passing acquaintances).

An internship brought him to the ACLU, where they pioneered work on cable, treating it as a common carrier open to all. This cemented his understanding of the whole process of access.

Meyerson later worked at the New York State Consumer Protection Board. There they viewed cable as a collection of billing and cost issues rather than First Amendment issues. Meyerson was able to integrate the two points of view as he developed his own philosophy about what cable should be.

That philosophy brought Meyerson to be a strong and effective supporter of the NFLCP, which he feels has been essential to the survival of access. He is aware of the work it will take to continue this effort. "The NFLCP has to realize that it is in a multi-front arena...It has simultaneous battles in the courts, Congress, state legislatures, and city halls, as well as the job of educating access centers around the country & inspiring local programmers."

"But," he adds, "it's the only game in town and it has to do it all on an inadequate budget with a minimal staff." He knows how intimidating this sounds. "The mission of the NFLCP is to do the impossible because it is so important."

continued on next page

Tampa '88 Update

by Dan Turney

Channels for Change is the theme of the upcoming 1988 National Federation of Local Cable Programmers Convention to be held at the Hyatt Regency in Tampa, Florida, July 14-16.

Channels for Change symbolizes the alternative programming available on cable access channels. This year's convention offers participants an opportunity to exchange information and share programming with other access producers and staff from around the world.

More than 90 workshops and seminars will be offered on subjects ranging from evolving public policy issues to production techniques. In-depth seminars will be presented before the convention begins, and the convention itself will offer 60 workshops plus constituency-based opening and closing sessions.

Also included are three keynote sessions. One will feature Dr. Christopher Sterling, an internationally recognized telecommunications policy expert who is currently the program director for the Telecommunications Policy Program of the Graduate School of Arts & Sciences at George Washington University. Another will feature Thomas Southwick, editor of Multichannel News, the newspaper of the cable television industry. He has also worked in several newspapers in Washington, D.C. and Massachusetts, and was once press secretary to Senator Edward Kennedy. A third surprise keynote speaker will also be sure to inform everyone in attendance.

Other special events at the convention include the presentation of awards in the 1988 Hometown USA Video Festival on Thursday, July 14. More than 1,600 videotapes from around the nation were entered in the competition. The awards ceremony will be held in the historic Tampa Theatre, and will be videotaped for a delayed national broadcast on The Learning Channel. The ceremony will air live throughout Tampa and Hillsborough County on the cable systems there.

Friday, July 15, offers everyone a chance to relax after the day's workshops with a beach party at the Tradewinds Hotel on St. Petersburg Beach. Join us for

continued on next page

Meyerson *continued*

Part of this effort, he feels, needs to center on the NFLCP working with access centers to build coalitions with groups representing the powerless of society—minorities, the elderly, the handicapped. "This is essential," he warns, "if access is to survive politically and morally."

Meyerson feels that his biggest contribution has been underlining for the overworked people in the access community the importance of what they're doing. "I'm trying to let the access community

realize that they are the ones who are making the First Amendment a reality in the 20th century and meaningful for the 21st century."

When future generations look back on the contributions of access pioneers, Michael Meyerson will be an important part of that legacy.

Diana Peck is a professor at William Patterson College, member of the CTR Editorial Board, and past NFLCP Chair.

Public Access' Contributions to Local Communities

compiled by individuals at the First Amendment Conference

Public Access reaffirms Congress' intent in the 1984 Cable Act to provide for a diversity of voices on cable television.

Public Access provides:

- The only unrestricted television forum for First Amendment speech, including political expression
- Communication opportunities to under represented groups, including youth, seniors, ethnic minorities, handicapped, and non-English speakers
- Professional and vocational training opportunities for women and minorities
- 12,000 hours of new programming nationally each week
- A primary element in the public relations plans of local nonprofit organizations
- The only local tv programming for many small communities
- A forum for the opinions of all segments of the community
- A low cost alternative for political candidates to communicate to large audiences

Threats & Remedies To Public, Educational & Governmental (PEG) Access

1) Franchise noncompliance and unreasonable modification requests

Examples: Austin, Portland (OR), Springfield (MA), Dallas, Cincinnati, Denver, Minneapolis

Remedies: A) Amend the Cable Act to mandate public access managed independently from local governments and the cable companies
B) Restrict the use of franchise fees to cable-related purposes with a primary emphasis on PEG access
C) Request Justice Department and FCC to uphold the constitutionality of the Cable Act
D) Create legal immunity for local governments attempting to enforce franchise provisions

2) Municipalities and access corporations face legal jeopardy from disputes regarding the content of access programs

Examples: Dallas, Pocatello (ID), Austin, Cincinnati

Remedy: Extend to PEG access and local government the freedom from content liability afforded cable operators in the 1984 Cable Act

3) Substandard transmission quality on access channels

Examples: Nashville, East Providence (RI), Atlanta

Remedy: Mandate equal transmission standards for all channels, including studio to head end

Conference representatives support government positions on the following:

- More stringent enforcement of EEO standards in the Cable Act
- Restoring rate regulation to eliminate economic discrimination
- Improving consumer services
- Ensuring public access to new distribution technologies

"Current Cable Law" *cont. from page 1*

while the case was litigated. The court then addressed the question whether the specific criteria Santa Cruz applied in rejecting Group W's renewal and request for proposal violated the First Amendment. On motion, the court held most of the franchise requirements invalid on First Amendment grounds. The court reserved its ruling on the constitutionality of franchise fees. In a subsequent decision, 679 F. Supp. 977 (N.D. Cal. 1988), the court determined that the city could properly charge a five percent franchise fee for the use of city property as a condition of granting entry into the cable market. This subsequent decision was rendered regardless of first amendment concerns. The case may now be appealed or settled.

Pacific West Cable Co. v. City of Sacramento, 672 F. Supp. 1322 (E.D. Cal. 1987): In Sacramento, a would-be cable operator challenged a franchising process in which the cable operator did not participate, charging that the process itself infringed upon its First Amendment rights. The court submitted to the jury specific questions about the validity of the reasons advanced by the government for the franchise process and the jury found those reasons suspect or insufficiently important. On the basis of the jury's findings, the court held that Pacific West had a right to enter into the Sacramento cable market. This case was decided on its facts and not on any reinterpretation of cable TV law.

Century Federal, Inc. v. City of Palo Alto, 648 F. Supp. 1465 (N.D. Cal. 1986): The Federal District Court in California first ruled that a second operator had a first Amendment right to a franchise. The court then asked the parties to address the constitutionality of four major franchise requirements: 1) Commercial and public access channels, 2) Universal Service, 3) State-of-the-art technical requirements, and 4) various fee requirements. Century claimed that these were all unconstitutional abridgments of free speech. The court held that all of the requirements were unconstitutional except for the fee question. The city attempted to appeal the decision directly to the Supreme Court arguing that the District Courts decision was a de facto ruling on the constitution-

ality of the cable act. The Supreme Court declined to hear the appeal. The case is expected to be appealed to the Ninth Circuit Appeals court.

Comcast Cablevision of Santa Ana, Inc. v. City of Santa Ana, No. 87-08057 JMI (JRx, Dec. 1987):

Group W Cable, Inc. was awarded a franchise to operate a cable system in Santa Ana in June of 1982. Group W was bought by TCI, ATC and Comcast in 1986. The following year the Group W system in Santa Ana was transferred to Comcast Cablevision. A dispute arose when Comcast refused to recognize the franchise agreement negotiated by Group W. The city imposed a \$1,000 fine per day on Comcast for not fulfilling the franchise agreement and Comcast sued. Comcast contends the local programming requirements in the franchise agreement violate its First Amendment right to free speech. This case is pending in federal district court.

Nor-West Cable Communications Partnership v. City of St. Paul, No. 3-83 CIV 1228, (3d Div. Minn. 1988):

Nor-West, an unsuccessful bidder for a franchise, filed a suit against the city alleging, that the franchise process infringed upon its First Amendment right to free speech by restricting the number of cable television operators permitted to use the public rights-of-way. As in several other First Amendment cases, Nor-West argues that a cable television operator is more like a newspaper publisher than a broadcaster and should be accorded similar First Amendment freedom. St. Paul argues that the franchising process is a legitimate exercise of the state's police power to minimize the disruptive use of the public domain. At the time of this writing the Nor-West case was in trial.

The courts will continue to grapple with the First Amendment questions relating to cable, at least until the Supreme Court rules on the scope of local governments authority to regulate cable television.

Michael Palumbo is a legal assistant with Miller, Young, & Holbrooke, 1225 19th Street, Suite 400 Washington, D.C. 20036, (202)785-0600.

Leshner Wins Buske Leadership Award

The Board of Directors of NFLCP is please to announce that **Jan Leshner Ireland** has been awarded the second annual Buske Leadership Award. This award was created last year to recognize NFLCP members who have provided outstanding service and leadership to the organization. The first Buske Leadership award was presented last year to outgoing Executive Director Sue Miller Buske.

Jan is the immediate past Chairperson of the NFLCP and is well deserving of this honor. The next issue of CTR will feature a profile on her and her thoughts about the NFLCP.

The Buske Leadership Award will be presented during the awards ceremony on Thursday, July 14, 1988.

Tampa '88 *continued...*

live music and lively conversation with producers and access staff from around the world.

Registration fee for the convention is \$190 for NFLCP members, and includes tickets to keynote events, lunch, the awards ceremony, and the beach party. Single day registration for the convention is available for \$85 (members' rate).

The NFLCP currently offers a special Grass Roots membership for only \$15. The standard Community Associate/Student rate is \$42. Membership in the NFLCP enables you to be part of a national network of people & organizations that support existing community television operations and cultivates the development of new local programming centers. NFLCP members support a vital information hotline and advocacy network that has been protecting local programming for more than a decade. Your membership also includes a 1 year subscription to *Community Television Review*, and reduced rates on other NFLCP publications and conference registrations.

Join us at the 11th annual national convention next month!

Dan Turney is a Program Manager now living in Buffalo, Minnesota.

Workshop Lineups for Tampa '88

Before things really get started, there will be 14 in-depth, three hour pre-convention workshops on critical issues such as:

- Time & Information Management
- The Video Format Wars: An In-Depth look at S-VHS, M-II, Betacam & 3/4"
- Understanding Your Cable Franchise: A Guide for Non-Lawyers
- Documenting the Performing Arts
- Low Cost Set Design and Construction
- Copyrights and Wrongs
- Promoting Channel Viewership and Creating Channel Identification
- Beyond Survival: Long Range Planning for Access Operations
- Audience Measurement Techniques
- Local Government and Public Access: An In-Depth Legal and Practical Examination of the Subject
- How to Effectively Lobby Officials at the Local, State & National Levels
- Access and the Arts: An Exploration of the Opportunities Access Provides & the Possibilities for Collaboration Locally, Regionally and Nationally
- Managing Government Access Channels
- NATOA Seminar: Upholding the Public Trust

Seminars held during the conference fall into one of ten "tracks" set up for specific interests, such as production techniques, technical, management, etc.

Management and Planning

- Supervisors and Managing Staff
- Accounting and Budgeting for Local Programming
- How to Do It All: Managing Access in Small Communities
- Program Scheduling Like the Big Boys
- Easing the Load: Computers as a Management Tool
- Managing Controversial Programming

Production Techniques

- Production Planning
- Shooting Techniques for Field Productions
- Video Engineering Fundamentals
- Producing a Live Remote Program
- Lighting Techniques for Field Productions
- Improving Audio in Your Video Productions

Promotion Outreach Audience Management

- Techniques for Reaching Organizations and Getting Them Involved
- Techniques for Developing Volunteers for Govt. and Educational Access
- Developing Effective Promotional Events for Local Programming
- Techniques for Outreaching to the Minority Community
- Outreaching to Media Professionals in the Community
- Utilizing Ad Avails Effectively

Production Training Techniques

- Designing Production Workshops: How We Learn
- Art for Videos Sake: Training the Visual or Performing Artist
- Educating Teachers and School Administrators to Use Cable Effectively
- Implementing and Evaluating the Training Curriculum
- Formulas for Success: How to Train Special Users
- Techniques for Keeping Advanced Producers Producing

Distribution-Advertising-Commercial Applications

- Critiquing Commercials
- Channel Building: Program Acquisition on the Local Level
- Interconnection of Cable Channels & Videotape Exchange Networks
- Innovative and Successful Commercial Programming Ventures
- Advertising and Production Rate Card Analysis
- International Programming Distribution and Acquisition

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Thanks for the Info...

Thanks also to authors that have submitted articles to CTR: Ronald Hull, Bob Oringel, Karen Brockmann, Susan Stone Shapiro, Muriel Fleischman, Elliott Mitchell, Sharon Ingraham, Carl Kuchar-ski, Neal Grossman, Cliff Hall, Tim Hudson, Donna Learmont Oleksiak, and Kimberly Clar Crooms, & others. We look forward to seeing them in CTR in the future. Remember to use the Electronic Bulletin Board for copy transfer. CTR is also in need of B&W photos & graphics. Thanks!

The Crash of 5/23...

by Greg Smith BBS Manager

On 5/23/88, the hard disk drive which holds the data & programs for the NFLCP BBS failed mechanically, destroying much of the "directory" information on the disk and, consequently, the files used to run the BBS. All attempts to revive the disk failed. As best I can determine, it has been physically damaged & is not worth repairing.

I'm trying to find another disk drive for the system, & will restore the BBS to full capacity as soon as I can locate and install such a disk. In the meantime, the BBS is functioning using a pair of floppy disks borrowed from another computer. Although the capacity is adequate to hold the BBS files, they are slower than the hard disk. You may notice some problems with access times while they are in use. In particular, it might not be possible to upload messages from a buffer or file. Since the data was destroyed, I've restored the BBS from the most recent backup, dated 5/20/88.

I would certainly appreciate help from any donors who wish to assist in financing the purchase of a replacement hard drive for the system. I estimate it will cost between \$250 - \$300 to replace the drive with a new one. I appreciate your patience and understanding, and will do all I can to get the system running normally again.

The Electronic Bulletin Board performs vital functions for the NFLCP and operates at (217) 359-9118. Tax deductible donations for its support should be addressed to the NFLCP, BBS Support, P.O. Box 27290, Washington, D.C. 20038

- Editor

"LIVE FREE OR DIE"

by Dirk Koning

- New Hampshire license plate statement

The history of free speech activism is littered with martyrs who have defended principle over life. Often times these days principles are swapped randomly for bucks. To defend community access to media with any success, it is crucial to have a historical perspective of this elusive quest for free expression.

Communication has been and will continue to be the most influential factor in the survival of humanity. Whether it is a hot-line from the Kremlin to the White House or the replication of DNA, the very existence of life is entirely dependent on calculated messages being sent through media to a receiver with some form of response.

As 5 billion people strive for instant access to each other's worlds through tele-media, the cost and control of those messages becomes of paramount importance in the development of our relationships. Loss of sight inhibits one medium of communication as does loss of hearing, feeling, smell, touch, and thought. Each sense can survive and thrive without the other but elimination of all is virtual death.

Why control any message?...spectrum space? minority concern? time, place, manner? heresy? sedition? gods? costs? right? wrong? Who should control message?...government? monarchy? church? dictator? society? majority? minority? mom, dad? AT&T?

Control of content and conduit must be separated. Minority views must have equal access to the conduit. Historically, Libertarianism, in its pure sense, has suggested no controls on freedom. John Milton proposed in his 17th Century writing *Areopagitica*, that all ideas must be expressed so the true ones could win over false ones. John Stuart Mill eloquently stated this in his 1859 tract, *On Liberty*:

"If all mankind, minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opin-

ion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error"

Truth and error are subjective opinions. Remember Copernicus' collision with the "truth" of the church? Galileo persevered and turned the "truths" and several postulates of the "infallible" church 180 degrees on axis by confirming that the earth was not the center of the universe. Albert Einstein shattered the new found "truths" of Galileo by postulating that gravity was an external force pushing on the Earth not pulling from the core. Heaven forbid these 'heretics' be censured by the church or popular (majority) opinion.

The Magna Carta in 1215 established basic rights for citizens, especially trial by jury. Our own Constitution and Bill of Rights took the next step and codified individual expression and civil and human rights.

Like an atomic bomb of information, the invention of the printing press hit Europe in the 15th Century. The Crown of England immediately attempted to control the press. In 1556 it was decreed that unlicensed books and presses would be searched out and destroyed. In 1558 a royal proclamation warned that those caught with books proclaimed to be "wicked and seditious...shall without delay be executed." The Queen tightened the screws of censorship further in 1585 by establishing two State Presses, one in Oxford and one in Cambridge. The Archbishop of Canterbury and the Bishop of London had to approve all printed material. One intent of the law was to put so much pressure on the printer that they would inform on authors.

Content and conduit must be independently managed to protect message from media influences and media from message influences.

In 1579, a cocky John Stubbs wrote a fierce attack on the proposed marriage of Queen Elizabeth to the Duke of An-

jou. The blushing bride burned the pamphlet and thought up a just punishment for him. She had a large meat cleaver placed on his wrist and they smashed it with a mallet, removing the hand that wrote the words. In a feisty, facetious act, John Stubbs raised his hat with his remaining hand and cried, "God save the Queen." Twenty four years later in London a printer was hanged, drawn and quartered because of a book he published (didn't write, just published) opposing the succession of James I to the throne.

The colonists were concerned with instituting free expression on their own shores. But with residual control from England, the first newspaper printed in the Colonies was officially suppressed after only one issue. America's first public book burning took place in 1650 when Thomas Pynchon's, *The Meritorious Price of Our Redemption* was torched in Boston. The authorities said his religious ideas differed from the Colony's established religion.

Editor James Franklin was jailed in Boston in 1722 for printing his paper, *The New England Courant*. While in jail his sixteen-year-old brother Benjamin, yes Benjamin Franklin, took over the paper and printed this:

"Without freedom of thought, there can be no such thing as wisdom and no such thing as public liberty without freedom of speech...this sacred privilege is so essential to free government that the security of property and the freedom of speech always go together and in those wretched countries where man cannot call his tongue his own, he can scarce call anything else his own. Whoever would overthrow the liberty of a nation, must begin by subduing the freeness of speech."

The tide toward increased freedom of speech in America shifted at the 1735 trial of John Peter Zenger, charged with 'seditious libel,' an indefensible old English charge. Zenger's attorney, Andrew Hamilton, argued for justice based on what the law ought to be, not what it was. He convinced the jury that the truth of what was printed should be the defense, not whether the government agreed with it or not.

continued on next page

From The Chair...

by Sharon Ingraham
Chairperson of the NFLCP

The pursuit of a dream requires a careful mix of idealism and pragmatism. In order to protect and promote the development of community programming throughout the country, NFLCP members and supporters not only need to maintain faith in our goals, but also to grow in our political astuteness and efforts.

At this point, successful activities in the legislative and legal arenas help buy us the time we need, in order to continue building grassroots awareness and support for access. Successful grassroots organizing will ensure legislative and legal protections will remain firmly in place.

Toward that end, the First Amendment Conference was successful in several ways. It brought together several key public interest groups, showing each the need to work in coalitions and understand what is mutual in our agendas. Attendees visited nearly 20 Congressional offices, including nearly an hour with Congressman Ed Markey. Markey was presented with a list of the contributions public access is making in local communities, key concerns and suggested remedies.

These efforts, coupled with the dedicated work so many of you give to your communities & the NFLCP, insure that we will see our dreams fulfilled.

Continued - "Live Free or Die"

Over two dozen small weekly papers flooded colonial America. Like a small ax felling a large tree, Thomas Paine's Common Sense, published in 1776, swept the colonies into revolution. Though only 80 pages, the little pamphlet trounced the "Royal Brute" King George III and argued convincingly for the secession of the colonies, saying, "There is something very absurd in supposing a continent to be perpetually governed by an island. In no instance has nature made a satellite larger than its primary planet."

The Bill of Rights, including the First Amendment to the constitution, went into effect in December of 1791 following ratification by the states. (Howabouts a national 1st Amendment Conference/Party/Access Event in Philadelphia in 1991?)

"I Didn't Know I Looked Like THAT !"

by Gari Grant Sudal

As the host of a talk show, I find that my guests are often disappointed with their appearance on television. They come to the studio looking their best and when they get that first glimpse of themselves on the monitor, the derogatory remarks begin. "Wow, do I look old!", "Time to diet.", and "My lips didn't even show up!" can be heard.

When dressing and using makeup for the camera, few people realize until it's too late, that everyday procedures don't always apply because much of the environment is created artificially. What we see in the mirror, our TV viewers see differently.

The following guidelines can help give you satisfied results whether you are making a guest tv appearance or just wanting to look terrific on a home video. Good luck!

** Dress to support your message.* Do you want to appear professional, fashionable, or casual? The way you look should enhance your credibility and the subject you're representing.

** Emphasize from the waist up.* In an interview, most shots will be of the shoulders and head. For a more finished look, a well fitted suit is impressive. Check to see that there is no pulling when you're seated. The jacket has the advantage of providing a place to conceal lavaliers

Free speech has not come cheaply. As pendulums swing, freedoms have come and gone. Not unlike printing presses, widely available audio/video equipment & channels have transferred some power back into the hands of the individual.

As the evolution of this information era unfolds, the separation of conduit and content and the ability of low cost, non-discriminatory access to the conduits of information will surface as the most important factors in preserving the individual's right to exercise freedom of speech. Power to the People.

For further reading:

Shaping the First Amendment, by John Stevens

The First Freedom, by Nat Hentoff

The First Amendment and the Future of American Democracy, by Walter Berns
The First Amendment in a Free Society, by Jonathan Bartlett

microphones. The pockets should be emptied. Who needs extra bulkiness when the camera ads 10 - 15 pounds?

** Wear medium to dark solid colors.* Anything medium blue to gray is a good choice. Never wear black. Avoid white shirts because they are too bright, but do consider pale tones. Reds, peach tones, and maroon are good for blouses. Skirts should always cover the knees. Blue is universally flattering. Stay away from colors that are too bold, bright, and deeply saturated, because they reproduce badly. Prints, stripes and textures can bounce around and make one dizzy just looking at the monitor. Only small, regular and discreet patterns should be used. If you've been color analyzed and know what colors look best on you, wear them! Clothing should enhance your features.

** Use normal makeup techniques, but apply more heavily.* Shadow concealer for under-eye darkness works miracles and you should apply a thin coating of mat powder to take away any shine. I wear lipstick a bit darker and brighter than usual and I always "lipline" because in certain expressions, my mouth appears uneven, which lip lining can correct. Balance the face. If you use a lot of eye makeup, use enough on your lips.

** Jewelry should not be big, bright or distracting.* Just as a man's tie acts as an arrow pointing to his face, a woman's scarf or an attractive pair of earrings in a complimentary color can do wonders to add interest and focus to the face.

** Hair styles should be flattering from all angles, more fluffed out, widened and heightened than usual and worn as much off the face as possible.* Hair spray helps, but don't use anything that shines or slicks down hair.

** Don't be afraid to ask what the host is wearing and the colors that will be around you.* It's more visually exciting to see a color balanced set.

** Always take a detail check before you go on the air.* Smile, check your teeth for food particles and lipstick; make sure your tie is straight. Then sit up high, look relaxed but enthusiastic, and enjoy the limelight!

Gari Sudal is a host/producer of a fashion related show. She has a BFA in Fashion Design and manages her own Business in Hartford, Connecticut.

Short Notes and Announcements...

The fall conference of the **Central States Region** will be hosted at Paducah Community College on October 14, 15, & 16, 1988. Topics will include the Arts, Religion, Management, Production Skills, Government Programming, Education, and many others. For more information contact: PCC-TV, Paducah Community College, P.O. Box 7380, Paducah, Kentucky, 42002-7380.

In recognition of Medford Massachusetts Community Cablevision service to the City of Medford, **Mayor Michael McGlynn** proclaimed the week of June 13-18 to be "Community Television Awareness Week" in Medford. Staff and volunteers at the center celebrated with an open house, extra playback hours, and a special ceremony.

David Schulman in New York City has devised a method for resurrecting old 1/2" B&W reel to reel programs. The process cleans the tapes very carefully, thus making it possible to view them without clogging the video heads. **George Stoney** had one of his tapes cleaned & was really pleased, "I thought I'd never see this stuff again!". David can be reached at 212-431-7781.

A very special organization is involved with helping people produce programs. **PROJECT VITAL**, (Video Induced Training and Learning), is a basic TV production training program for people with mental retardation and other developmental disabilities. The program, created by Little City Foundation, enables people with developmental disabilities to become community producers at their local public access stations. **PROJECT VITAL** graduates have completed programs that are currently being aired on channel 19 in Palatine, Illinois. The project has received awards from the Illinois Governor's Conference on Long Term Care, and plans to expand to several other sites throughout the United States. Contact **Nadine Novotny**, Project Assistant for further info. (312) 282-2207.

Remember to make your arrangements early for the **1988 National Convention**

Notice to all you organizers...when you have regional conferences, festivals, plans, special events, or other announcements, please let us know well in advance so we may list them in CTR. Our publication is bi-monthly and we need the submission one month prior to the date of publication. The next issue is Sept/Oct, which means we need to have your material by **Aug. 1st**. Send information to CTR, 3004 Aquila, Tampa, Florida 33629.

The **Tampa Educational Cable Consortium** will be airing all of the 1988 **Hometown Winners** on channel 39 during the annual NFLCP Convention, (July 14,15,16). Special provisions are being made to view channel 39 in the conference hotel as well as throughout the city cable system. Thanks guys....Lets watch lotsa tape while we're in town.

Applications for the **Editorial Board of Community Television Review** are now being taken. One vacancy will be filled at the July Board of Directors meeting. If you wish to apply, please apply in writing to **Dirk Koning**, GRTV, 50 Library Plaza N.E., Grand Rapids, Michigan 49503. **Deadline for applications is July 8**

You must answer the following :

- 1) Why are you interested in serving on the CTR Ed. Board
- 2) What specific areas of expertise would you bring to the board
- 3) List and describe your prior experience in an editorial capacity
- 4) List your community programming experience and/or other relevant experience.

Bulk orders of CTR are now available to access centers and other member organizations for distribution to their mailing list. The publication can be sent out as a regular or special benefit in addition to normal mailings. You may also use them for volunteer benefits, membership solicitations, local advocacy efforts, or to just have them around the center for distribution. The cost is determined according to quantity, and is passed on to member organizations as cheaply as possible. Contact CTR for details and delivery.

The **Community Video Award** from the **Retirement Research Foundation** has been awarded to **AGE WISE**, a cable access series produced in Portland, Oregon by **Tom Taylor III** and **Melinda McCrossen**. The award was given in the Non-fiction category and is the first non-professionally produced program to win an award in the competition. Other winners include **Lillian Gish**, **Ann Southern**, **Helen Hayes**, **Jessica Tandy**, **CBS Entertainment**, and **KCET-Public Television**. **AGE WISE** is produced by volunteers over 60 years of age. This past year, producers have been working with local agencies that provide services and opportunities which contribute to the full independent living of seniors. The goal of the series is to provide a model of senior independence by documenting the lives and activities of seniors, and the potential that we all have for a full and meaningful life. For more information contact: **Melinda McCrossen**, (503)231-1285.

Help Yourself. Join AIVF today!

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The Association of Independent Video and Filmmakers

Get ready for the best National Conference under the sun!

**The National Federation of Local Cable Programmers
presents its Eleventh National Convention
July 14-16, 1988 in Tampa, Florida.**

- Delegates' Business Meeting July 12 & 13
- Pre-conference Seminars July 14
- Fun in the Sun all week!

Workshop Lineups *continued from page 7*

Access History, Philosophy and Basics

- Access: Its History and Development
- Factors for Successful Access: Recipe for a Healthy Access Environment
- Ethical and Legal Concerns Associated with Commercial Ventures by Access Operations
- Techniques for Establishing a Nonprofit Access Management Corporation
- What Access Does Best!
- Where is Access Heading — and What Does the Future Hold?

Technical and Equipment

- Equipment Update
- Micro Computer Graphics
- Equipment Purchasing: How to Get What You Want, When You Want it, and at the Right Price
- Troubleshooting Techniques
- Homemade Video Gadgets
- Setting Up and Maintaining an Effective Video Equipment Maintenance and Replacement Program

Cable Policy

- Update on Current Cable Litigation
- The First Amendment and Cable Access: Understanding the Impact of Recent Court Decisions on Access
- Funding Access Operations in the Post Cable Act Era
- Concentration of Ownership Within the Cable Industry
- Future Cable Legislation on Capitol Hill
- Will the Single Wire Home be a Reality in 20 Years?

Cable Regulation and Administration

- Local Government and Public Access: Legal Issues as They Relate to the Relationship
- Effective Techniques for Informing and Educating Elected Officials About Cable Issues
- Transitions From One Form of Access Management to Another
- Planning and Implementing Your Renewal Franchise Process
- Public Access vs. Government Access: The Growing Competition for Funding, Channel Space & Placement, & Other Limited Resources
- Effective Franchise Monitoring and Enforcement Techniques

Additional special interest meetings and presentations will be scheduled throughout the convention. Subjects confirmed at this time include Cable Financing, NPO Board Development Techniques, Public Sector Utilization of Institutional Networks, Cable System Managers Speak Out on Access & LO, Access Support Structures, and Developing a Catalog System for the Video Library.

Don't be the missing Downlink !

Deep Dish Transmission Dates :

- June 14 A Dish of Central America
- June 21 Home Sweet Homefront, The Struggle for Decent Housing
- June 28 Agewise
- July 5 4th International Women's Fest
- July 12 Women's Day Fest - part 2
- July 19 Women's Day Fest - part 3
- July 26 Women's Day Fest - part 4
- Tune into Satcom 3R transponder 7
from 3:00 PM to 4:00 PM eastern time**

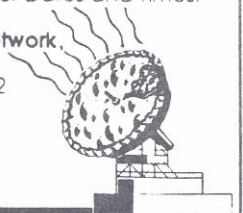


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Check Local Listings For Dates and Times.

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(or Organization) (Please Print)

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ORGANIZATION

- ☐ Non-profit organization (\$108)
☐ Educational Institution (\$108)

ORGANIZATION

- ☐ Library (\$108)
☐ For-profit organization (\$180)

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Phone (____) _____

Government Entities

Population Size

- ☐ Under 100,000 (\$120)
☐ 100 - 500,000 (\$180)
☐ Over 500,000 (\$240)

(Government entities include municipalities, states, counties and cable commissions.)

Cable System or MSO

No. of Subscribers

- ☐ Under 10,000 (\$180)
☐ 10,000 - 50,000 (\$480)
☐ Over 50,000 (\$720)

Cable System/MSO includes cable company-operated access and local origination facilities.

Contact Person _____
(Organizational Members Only)

Make your check/money order payable to NFLCP

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